

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANTOINE HARRIS,

Petitioner,

v.

Case Number: 2:08-CV-12374

DENISE GERTH, ET AL.,

Respondent.

**ORDER GRANTING IN PART AND DENYING IN PART
“MOTION TO ISSUE ORDER FOR PLAINTIFFS TO PROCEED *IN FORMA*
PAUPERIS AND TO DIVIDE FEES PROPORTIONATELY”**

This is a civil rights action filed under 42 U.S.C. § 1983 by multiple plaintiffs who are in the custody of the Michigan Department of Corrections. One of the named plaintiffs, Antoine Harris, filed a “Motion to Issue Order for Plaintiffs to Proceed *In Forma Pauperis* and to Divide Fees Proportionately.” In the motion, Plaintiff Harris requests that the court grant Plaintiffs *in forma pauperis* status and provide each Plaintiff thirty days within which to submit an individual motion to proceed *in forma pauperis*.

Under the provisions of the Prison Litigation Reform Act of 1995, if a prisoner wishes to proceed *in forma pauperis*, the prisoner must submit an affidavit of indigence and a certified copy of the prisoner’s trust fund account statement for the preceding 6-months. 28 U.S.C. § 1915(a). Plaintiff Harris asks this court to grant Plaintiffs *in forma pauperis* status before they have moved for *in forma pauperis* status and before the required supporting documents have been filed. The court denies this request. The court grants Plaintiff Harris’s request that Plaintiffs be permitted thirty days from the date

of this Order to file individual motions to proceed *in forma pauperis* and the required affidavits of indigence and trust fund account statements.

Each prisoner is proportionally liable for any fees and costs that may be assessed. *In re Prison Litigation Reform Act*, 105 F.3d 1131, 1138 (6th Cir. 1997). Thus, any fees and costs for this action must be equally divided among the thirty-one plaintiffs. *Id.* After expiration of the thirty-day time period, the court shall rule upon the motions to proceed *in forma pauperis* and shall apportion the filing fee equally among all plaintiffs. Any plaintiff who fails to file a motion to proceed *in forma pauperis* and the supporting documents shall be dismissed.

Accordingly, IT IS ORDERED that Plaintiff Harris's "Motion to Issue Order for Plaintiffs to Proceed *In Forma Pauperis* and to Divide Fees Proportionately" [Dkt. # 2] is GRANTED IN PART AND DENIED IN PART. Plaintiff Harris's request that the court grant plaintiffs *in forma pauperis* status is DENIED WITHOUT PREJUDICE. Plaintiff Harris's request that all plaintiffs be afforded thirty days to file motions for leave to proceed *in forma pauperis* is GRANTED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 19, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 19, 2008, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522